

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: Pltfs: 5-22-73
3rd Party Deft.: 5-29-73

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS				
DEBORAH TROXELL SHIBLEY, Plaintiff, vs. JOHN DOE, an alias, and MICHAEL P. SHIBLEY, Defendants, and STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, a foreign insurance corporation, Garnishee.		For plaintiff: Jack B. Sellers Allen B. Mitchell 525-2441 300 East Lee Sapulpa, Oklahoma 74066 For defendant: Thomas L. Palmer (State Farm) 520 Center Bldg. 630 W. Seventh St. Tulsa, Okla. 74127 Donald D. Thompson (Shibley) P. O. Box 190 Sapulpa, Okla. 74066				
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 1-1-73	Clerk	12-12-72	T. Palmer	15.00		
J.S. 6 mailed 6-1-75	Marshal	12-14-72	C.D.No.26		15 00	
Basis of Action: Personal Injury-auto accident.	Docket fee					
	Witness fees					
Action arose at:	Depositions					

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-12-72	Petition for Removal, filed. v	
12-12-72	Bond on Removal, filed. Principal-State Farm Mutual Automobile Insurance Co. Surety-Aetna Casualty & Surety. Bond-\$500.00	
12-12-72	Notice of Filing of Petition and Bond for Removal by Garnishee, filed.v	
12-19-72	Acknowledgment of Clerk of D. C. of Creek Cty of receipt of papers, filed.rm	
12-29-72	Answer of garnishee, and motion to dismiss, with brief in support thereof, filed. rm	
1-10-73	Pltf's motion to remand, with brief in support, filed. hm	
1-16-73	Pltf's Motion for leave to file notice of taking issue w/Garnishee's Answer and DEMAND FOR JURY TRIAL with Brief in support. Attached also, is Notice of taking issue w/answer of garnishee and demand for jury (Exhibit A) filed. r	
2-14-73	Hearing held on motion to dismiss of garnishee State Farm; pltf's motion to remand & pltf's motion for leave to file notice of taking issue with garnishee's answer and demand for jury trial. Motion to dismiss of garnishee State Farm is moot; motion to remand is denied & motion for leave to file notice of taking issue with garnishee's answer & demand for J/T is sustained; Deft. counsel to prepare order. (LB-J)hm	
3-6-73	Order, filed, that pltf's motion to remand is overruled; garnishee's motion to quash the return of service of summons upon garnishee is overruled as moot; pltf's motion for leave to file notice of taking issue with garnishee's answer is sustained & said notice of taking issue with answer of garnishee be effective on the date heretofore filed. (LB-J)hm (copies mailed)	
3-15-73	Case set for pre-trial 3-26-73 at 1:30 p.m. (LB-J)hm	
3-26-73	Case called for pre-trial hearing. Pltf's application to clarify trial issues or dismiss filed in open court. Application is granted and complaint is dismissed; pltf. given 20 days to amend complaint on theory of contracts. Pltf's brief & answer to be filed 20 days thereafter. (LB-J)hm	
4-10-73	Amended complaint, filed. hm	
4-30-73	Separate Answer of Garnishee State Farm Mutual Automobile Ins. Co., to amend complaint of Deborah Troxell Shibley; <u>Motion to dismiss</u> ; Counter-claim of State Farm Mutual Automobile Ins. Co. for Declaratory Judgment against Deborah Troxell Shibley; Separate Cross Claim and/or Third Party Complaint of Defendant Garnishee State Farm Mutual Automobile Ins. Co., a foreign Ins. Corp. against defendant Michael P. Shibley, for Declaratory Judgment filed. (with attachments) h	
5-7-73	Marshal's service returned and filed. Executed by serving/ Michael P. Shibley, 5-6-73 at Sapulpa, Okla. (USM \$10.20) jj	3rd Pty. Complaint on

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-22-73	Answer (Reply) of Deborah Troxell Shibley to counterclaim of State Farm Mutual Automobile Insurance Company, filed. ds	
5-22-73	Plaintiff's <u>demand for jury trial</u> , filed. ds	
5-29-73	<u>Answer</u> of Michael P. Shibley to Third Party Complaint of State Farm Mutual Automobile Insurance Co., filed. v	
5-29-73	<u>Demand for Jury Trial</u> , filed by Michael P. Shibley as 3rd party deft. v	
7-6-73	Deposition of Philip M. Shibley, taken on behalf of def. & 3rd pty pltf. on 6/14-15/73, filed. (\$75 pd by def.) rm	
7-6-73	Dep. of Deborah Shibley, taken on behalf of def. & 3rd pty pltf. on 6/14/73, filed. (\$70 pd by def.) rm	
7-19-73	Case called for hearing on motion to dismiss of deft. State Farm. Case to be set for pre-trial and motion will be taken up at that time. Court will prepare pre-trial statement as to issues. Deft. State Farm granted leave to file amended answer in 10 days. (LB-J)hm	
7-26-73	Ordered that Court withdraws its proposal to prepare pre-trial statement from pleadings & directs Pltf. counsel to prepare pre-trial order. Case to be set for pre-trial hearing. (LB-J)hm (letter written)	
8-3-73	Application of State Farm for time to file amended answer, filed. hm	
8-7-73	Order filed, granting deft and 3-rd party pltf until 8-20-73 in which to file an amended and supplemental answer, filed. (LB-J)r (Copies mailed)	
8-16-73	Case set for pre-trial hearing 8-27-73 at 1:30 p.m. (LB-J)hm	
8-27-73	Pre-trial hearing held. Court directs stipulation of facts, with policy attached be filed within 10 days; pltf. to file brief 20 days thereafter and deft. to file answer brief 20 days thereafter. Case then to be submitted to Court for decision. Motion to dismiss of State Farm overruled. (LB-J)hm	
6-4-74	Case set for disposition 6-17-74 at 9:30 a.m. (LB-J)hm	
6-17-74	Case called for disposition for failure of parties to comply with Court's orders directed at pre-trial hearing on 8-27-73. Statements made. Pltf. requests leave of Court to file motion for leave to file stipulation of facts and brief. Request to file motion granted and motion for leave to file stipulation of facts and brief filed in open court. Deft. granted 20 days to file answer brief. Parties to agree on stipulation and sign for Court's approval. (LB-J)hm	
7-8-74	Application for Extension of Time, filed.k	
7-10-74	Order, filed, granting Def. and Third Party Pltf, State Farm, until 8-6-74 in which to file FFCL and Brief in Support. (LB-J)k cps. mld.k	
8-7-74	Appl'n. of deft. and third pty pltf. for extension of time of 15 days from 8-6-74 to 8-21-74, filed. lm o 6 v	

(over)

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DATE	PROCEEDINGS	Date Order or Judgment Noted
8-12-74	Order, filed, that Deft. & Third Party Pltf., State Farm, etc., is granted to and including 8-21-74 to file F.F. & C.L. and supporting brief. (LB-J)v -copies mailed.	
9-12-74	Ordered by the Court that the deft. & third party pltf. State Farm is granted an extension of 10 days from this date in which to file F/F, C/L and brief. (LB-J)hm (letter written)	
9-20-74	Amendment to the separate answer of State Farm Mutual Automobile Ins. Co. to amended complaint of Deborah Troxell Shibley, filed. hm	
9-20-74	Brief of State Farm Mutual Automobile Insurance Company, filed. hm	
3-4-75	MO: ORDERED BY THE COURT that this case is set on the DISPOSITION DOCKET of 3-24-75 at 9:00 A.M. (LB-J)v -notices mld.	
3-24-75	Motion for leave to file proposed F/F & C/L, filed. hm	
3-24-75	Deft's proposed F/F and C/L, filed. hm	
3-24-75	Hearing held on defs. failure to file proposed FF & C/L. Pltf. not present or rep. Def. rep. by counsel, Tom Palmer. Mr. Palmer announces he effected required filing prior to Ct. Case to be submitted for decision. (LB-J)rm	
5-16-75	Order, filed and entered, pltf. take nothing and judgment be rendered rendered herein for the def., State Farm, with each party to bear its own costs. (LB-J)rm - copies mailed	
5-27-75	Motion for new trial with Brief in support, filed. mm	
6-5-75	Request of pltf. for oral argument on mot. for new trial, filed. g	
6-5-75	Answer BRIEF to pltf's purported motion for a new trial, filed. lm	
6-9-75	Letter, filed, from LB to def. counsel directing him to respond to pltf. mo/new trial and req. for oral argument by 6/17/75.(LB-J)rm	
6-17-75	Appli. of deft. State Farm Mutual Automobile Insurance Company for extension of time, filed. lm (o to J Daugherty)	
6-24-75	Order Granting an Extension of time of 10 days or until July 3, 1975 to the Defendant & Garnishee, filed. (LB-J) cps mld mm	
6-27-75	Answer brief of State Farm to pltf. mo/new trial, filed. rm	
7-11-75	Order, filed and entered, that Order of 5/16/75 be vacated and held for naught; that cause be remanded & that garnishee's bond on removal be held void according to its terms as suit was improperly removed. (LB-J)rm - copies to counsel & Clerk of Creek County D.C.	
7-18-75	Motion of garnishee, State Farm, for rehearing and to reconsider, filed. rm	
7-18-75	Motion of garnishee to vacate order of 7/11/75, filed. rm	
7-18-75	Request for oral argument by garnishee, filed. rm	
7-18-75	Motion to amend judg. by garnishee, filed. rm	
7-18-75	Motion for new trial by garnishee, filed. rm	
7-18-75	Brief in support of above motions, filed. rm	
7-29-75	Order, filed and entered, denying Garnishee's motions/new trial, for rehearing, to reconsider, to vacate order, and to alter judg.(LB-J)rm-copies	

(Contd.)

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
8-8-75	Notice of appeal by State Farm, garnishee, from order of ct. remanding case to Creek County D.C., filed.(rm)	
8-8-75	Bond for costs on appeal (\$250 surety), filed.rm	
8-18-75	Designation of Record, filed. lm	
9-12-75	Order extending time to file and docket appeal to 11/5/75, filed. (LB-J) copies to counsel and USCA	
11-3-75	Transcript of proceedings had on 2/14/73, hearing on motions, filed.rm (Frank Sickles-CR)	
11-3-75	Appeal record (4 vols.) transmitted to USCA. g	
3-5-76	Stipulation by all parties of dismissal, filed. rm (copy to USCA)	
3-15	Certified copy of Order of USCA, as Mandate, dismissing appeal with prejudice at req. of appellant, w/appellant to pay costs, filed and spread of record. rm	
3-15	Original appeal record (4 vols) received from USCA. rm	

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